

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO.: 17-10305-ADB-MPK
)	
)	
JOSEPH BAPTISTE,)	
)	
Defendant.)	
_____)	

GOVERNMENT’S MEMORANDUM FOR INTERIM STATUS CONFERENCE

The government submits this memorandum addressing the issues set out in Local Rule 116.5(b). The government submitted a proposed memorandum to counsel for the defendant but counsel has not, to date, responded to the government’s request for assent to file.

1. Status of Discovery

The government has produced automatic discovery as well as additional materials. The government has requested reciprocal discovery.

2. Additional Discovery to Be Produced

The government has provided the defendant with a declination letter pursuant to LR 116.6. The defendant has indicated that he intends to challenge the government’s declination. There is no additional discovery to be produced at this time.

3. Timing of Additional Discovery Requests

The government anticipates that the defendant may request additional discovery after he completes his review of the discovery produced to date.

4. Protective Orders

There is no protective order in this case.

5. Timing of Any Pre-Trial Motions Under Fed. R. Crim. P. 12(b)

The government will ask for a briefing schedule for any motions to suppress or dismiss at the final status conference.

6. Expert Witness Disclosures

The government requests that the Court order that expert witness discovery be produced no later than 30 days prior to trial in this matter, with reciprocal discovery to be produced no later than 15 days before trial.

7. Defenses of Insanity, Public Authority or Alibi

The defendant has not advised the government of any intention to advance a defense of insanity, public authority or alibi.

8. Excludable Delay

The government asks the Court to exclude the time from December 19, 2017, until the date of the next status conference, under 18 U.S.C. § 3161(h)(7)(A), to permit the defendant to continue to review the discovery in this case. The ends of justice served by this exclusion outweigh the interests of the public and the defendant in a speedy trial.

9. Status of Plea Discussions and Estimated Length of Trial

The parties have not engaged in further plea discussions after the defendant withdrew from his prior plea agreement. The government estimates that a trial is likely to last approximately two to three weeks.

10. The Timing of a Final Status Conference

The government requests a final status conference in 90 days.

Respectfully submitted,

WILLIAM D. WEINREB
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By: /s/ Stephen E. Frank
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Assistant U.S. Attorney

SANDRA MOSER
Acting Chief, Fraud Section
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By: /s/ Kevin Gingras
Kevin Gingras
Trial Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: December 15, 2017

/s/ Stephen E. Frank
Stephen E. Frank